

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
NE Corner First & Saratoga Aves. * DEPUTY ZONING COMMISSIONER
(Lots 921 and 922, 400 Block *
of First Avenue) * OF BALTIMORE COUNTY
13th Election District
1st Councilmanic District
Case No. 89-319-A
Maria Marszalek
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a buildable lot with a width of 50 feet in lieu of the required 55 feet and to permit a side yard setback of 11 feet in lieu of the required 25 feet for a proposed dwelling in accordance with Petitioner's Exhibit 1.

The Petitioner appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as Lots 921 and 922 of Block 25, Plat of Lansdowne, consists of .2118 acres more or less zoned D.R. 5.5 and is currently unimproved. The subject property is located at the corner of First Avenue and Saratoga Avenue, a paper street. Petitioner testified she has lived in the area for the past eight years and that the subject property was deeded to her by her mother approximately three years ago. Petitioner now proposes constructing a single family dwelling on the subject property, however, due to the width of the lots and the fact that the property abuts a paper street, the proposed dwelling will not meet setback requirements. Petitioner testified the proposed dwelling has been designed to provide the most habitable space to accommodate Petitioner's needs as well as meet the requirements of the zoning regulations to the extent possible. Testimony indicated the requested

variance if granted will not create any detriment to the health, safety or general welfare of the community.

based upon the testimony and evidence presented at the hearing, all of which was uncontested, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 27th day of February, 1989 that the Petition for Zoning Variance to permit a buildable lot with a width of 50 feet in lieu of the required 55 feet, and to permit a side yard setback of 11 feet in lieu of the required 25 feet for a proposed dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

-2-

2) Petitioner shall not request any future variances for the subject property.

ANN N. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ANN:bjs

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 307.1 of the Baltimore County Zoning Regulations to allow a buildable lot with a lot width of 50 feet and to allow a side yard (corner lot) setback of 11 feet in lieu of the required 55 feet and 25 feet respectively.

A FIFTY FOOT LOT WIDTH IS THE MAXIMUM WIDTH THAT COULD BE SOLD BECAUSE OF THE EXISTING HOUSE OF THE WHOLE PROPERTY.

THE SETBACK TO THE UNIMPROVED RIGHT-OF-WAY IS NECESSARY TO ALLOW FOR A REASONABLE SIZED HOUSE. Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I do solemnly declare and affirm, under the penalties of perjury, that I am the legal owner(s) of the property which is the subject of this petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Address

City and State

Attorney's Telephone No.:

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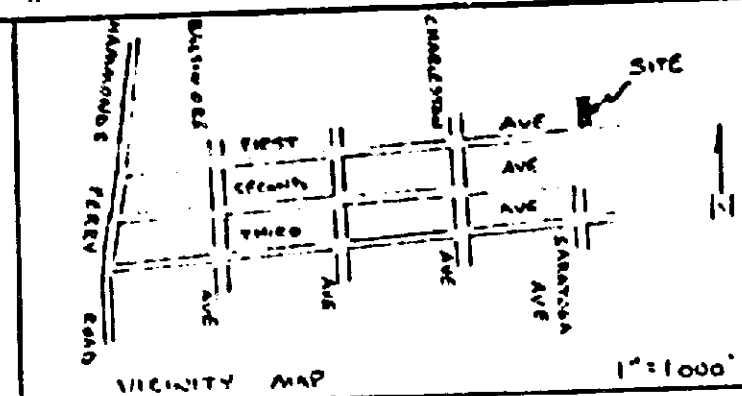
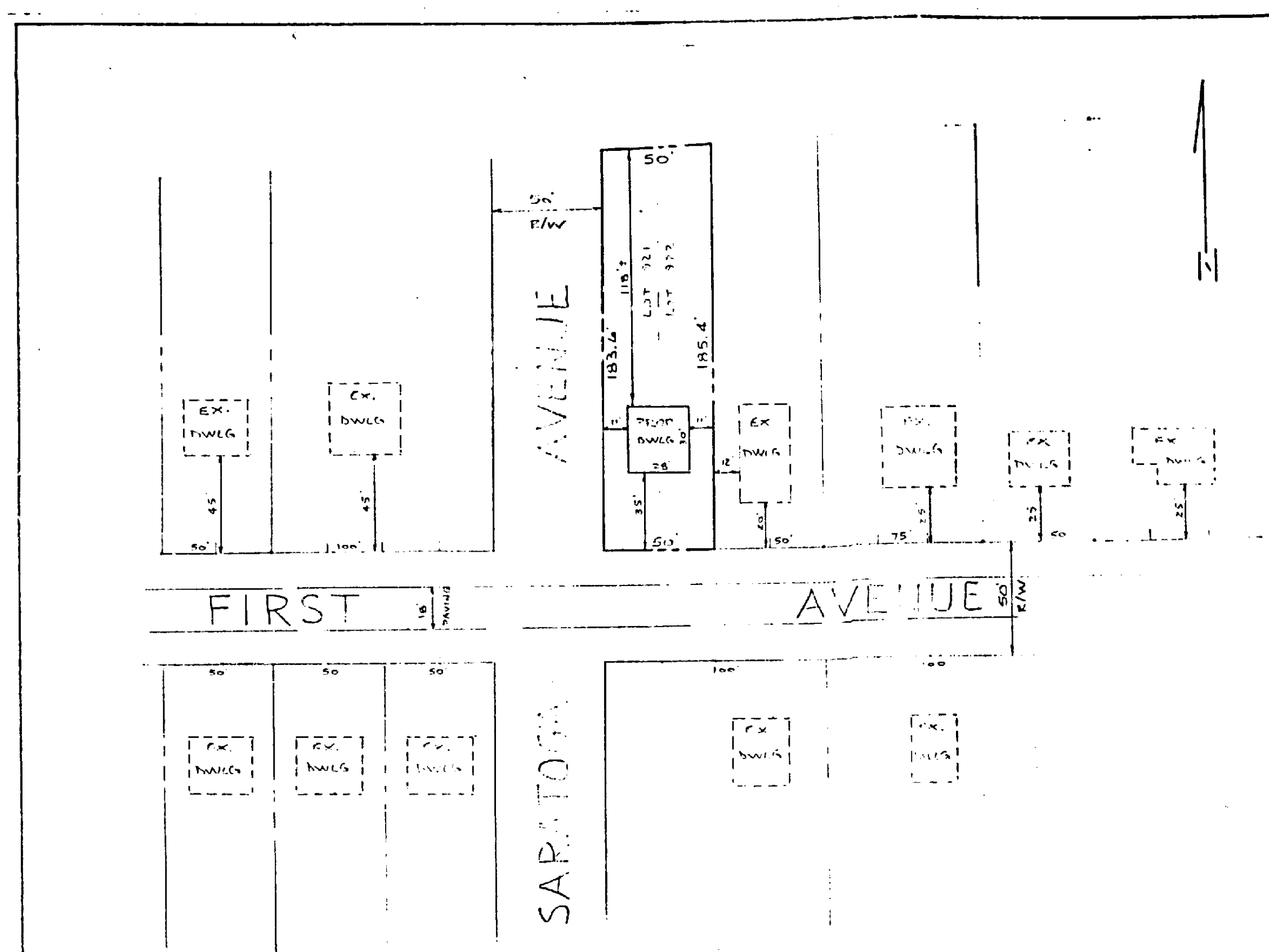
Address

City and State

Attorney's Telephone No.:

Address

City and State



- NOTES
1. BEEN REFERRED - CASE 7169/676
 2. LOTS 921 & 922 - BLOCK 25
 3. LOT OF INTEREST - DP. WTC 1/43
 4. EXISTING UTILITIES IN FIRST AVENUE
 5. SARATOGA AVENUE IS UNIMPROVED
 6. ZONING - DR.S.S
 7. LOT SIZE - 2,118 SQ. FT.

PETITIONER'S EXHIBIT 1

PLAT FOR ZONING VARIANCE

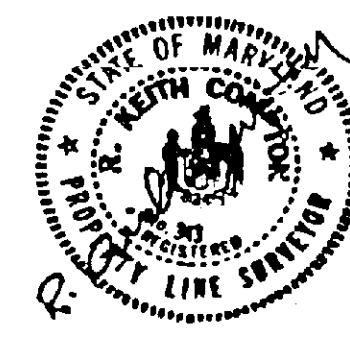
MARIE MARZALEK PROPERTY

13TH ELECTION DISTRICT

1" = 50'

NOV. 20, 1988

PREPARED BY: AZIMUTH CONSULTANTS
125 CONVENT RD. STE 105
MOUNT VERNON, MD 21021
703-2700



BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
14th day of December, 1989

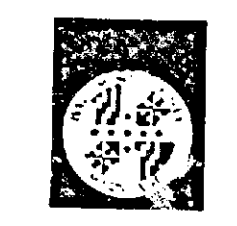
J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Petitioner: Marie Marzalek Received by: James E. Dyer
Petitioner's Attorney: _____ Chairman, Zoning Plans Advisory Committee

Baltimore County
Fire Department
Towson, Maryland 21204-2506
494-4300

December 29, 1988

J. Robert Haines, Zoning Commissioner
Office of Planning & Zoning
Baltimore County Office Building
Towson, Maryland 21204



Re: Property Owner: Marie Marzalek

Location: NE/C First and Saratoga Avenues Lot No. 921 & 922
400 Block of First Avenue

Item No.: 232 Zoning Agenda Meeting of 12/13/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *[Signature]* NOTED & APPROVED:
Planning Group Fire Prevention Bureau
Special Inspection Division

/s/

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

January 31, 1989

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Ms. Marie Marzalek
408 First Avenue
Baltimore, MD 21227

RE: Item No. 232, Case No. 89-319-A
Petitioner: Marie Marzalek
Petition for Zoning Variance

Dear Ms. Marzalek:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw
Enclosures

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333

J. Robert Haines
Zoning Commissioner

February 27, 1989

Ms. Marie Marzalek
408 First Avenue
Baltimore, Maryland 21227

RE: PETITION FOR ZONING VARIANCE
NE/Corner First and Saratoga Avenues
(Lots 921 and 922, 400 Block First Avenue)
13th Election District - 1st Councilmanic District
Marie Marzalek - Petitioner
Case No. 89-319-A

Dear Ms. Marzalek:

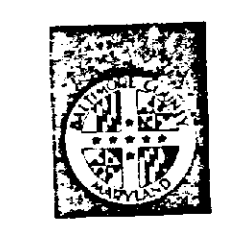
Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,
Ann M. Nastarcic
ANN M. NASTARCIC
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: People's Counsel
File



Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

January 17, 1989

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for item numbers 35, 200, 215, 232, 233, 234, and 235.

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF/lvw

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines
TO: Zoning Commissioner
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: Marie Marzalek
Zoning Petition No. 89-319-A

Date: February 2, 1989

The petitioner is requesting consideration to establish a lot size of 50 feet. In cases such as these, staff's primary concerns are:

1. What is the impact on adjoining property?
 2. Are adequate setbacks being provided?; and
 3. Will the reduced lot size result in requests for additional variances?
- If the petition is granted, staff recommends the following conditions:
- All building setback lines shall be shown on the site plan and recorded by the applicant on the deed of record. Furthermore, a statement shall be included stating that all development shall conform to the setbacks as shown and additional variances shall not be granted.
 - All applications for building permits shall include a copy of the site plan and the Commissioner's "Findings of Fact and Conclusions of Law," as provided by the applicant.

PK/st

